PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

Madderns
1st Floor Wolf Blass House
64 Hindmarsh Square
ADELAIDE SA 5000

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

	Date of mailing *(day/month/year)* 27 APR 2005
Applicant's or agent's file reference 25015PCT TAM:RG	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/AU2005/000090	28 January 2005	28 January 2004

International Patent Classification (IPC) or both national classification and IPC
Int. Cl. [7] B60R 001/078, 001/072, 001/074

Applicant
SCHEFENACKER VISION SYSTEMS AUSTRALIA PTY LTD et al.

1. This opinion contains indications relating to the following items:

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [X] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [ ] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU	Authorized Officer
AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	**L. DESECAR** Telephone No. (02) 6283 2381

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/AU2005/000090

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material

      ☐ in written format

      ☐ in computer readable form

   c. time of filing/furnishing

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in computer readable form.

      ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. IV Lack of unity of invention

1. [X] In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:

   [ ] paid additional fees

   [ ] paid additional fees under protest

   [X] not paid additional fees

2. [ ] This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is

   [ ] complied with

   [X] not complied with for the following reasons:

See Supplemental Box.

4. Consequently, this opinion has been established in respect of the following parts of the international application:

   [ ] all parts

   [X] the parts relating to claims Nos. **1-19, 24-25**

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Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims **1-13, 16-19, 25**	**YES**
	Claims **14-15, 24**	**NO**
Inventive step (IS)	Claims **1-13, 16-19, 25**	**YES**
	Claims **14-15, 24**	**NO**
Industrial applicability (IA)	Claims **1-19, 24-25**	**YES**
	Claims	**NO**

2. Citations and explanations:

NOVELTY (N) Claims 14-15, 24:

WO 2003/022635 A1

The above document also cited in the international search report discloses all the features of the claims.

Claim 14:

For example see page 6 last paragraph to page 11 last paragraph, Figures 1-12, wherein it clearly discloses a vehicle external mirror assembly involving the features as defined and in particular a pair of parallel outer (22) and inner arm (24), a pair of driving wheels (80), a drive motor (60), a gear train (65).

Claim 15:

The additional features introduced by this claim are similarly disclosed in the document (a) for example:

- wedging action between each driven wheel and its respective driven portion	see page 9 third paragraph Figure 11 items 32, 34, 36.

Claims 24:

The features of this claim are disclosed in the above document, see as against claim 14.

INVENTIVE STEP (IS) Claims14-15, 24:

Claims 14-15, 24: As above.

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Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**

Continuation of: **Box IV.3.**

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are different inventions as follows:

1. Claims 1-13 are directed to a vehicle external rear view mirror assembly having an extension and retraction mechanism for a pair of telescopic arms that connect a mirror head to a mirror mounting bracket, the assembly involving the features as defined.

2. Claims 14-19 are directed to a vehicle external rear view mirror assembly having an extension and retraction mechanism for a pair of telescopic arms that connect a mirror head to a mirror mounting bracket, the assembly involving the features as defined.

4. Claims 24-25 are directed to a vehicle external rear view mirror assembly having an extension and retraction mechanism for a telescopic arm that connect a mirror head to a mirror mounting bracket, the assembly involving the features as defined.

The independent Claims 1, 14 and 24 share the common features of *a vehicle external rear view mirror assembly having an extension and retraction mechanism for a pair of telescopic arms that connect a mirror head to a mirror mounting bracket, a bracket and a mirror head, a hollow outer arm assembly, an inner arm assembly, a driving wheel, a drive shaft assembly, a drive motor and a gear train*, therefore there is unity between those group of claims.

The only common features between the independent claims 1, 14, 24 and the claim 20 are *a vehicle external rear view mirror assembly, at least one telescopic arm, a bracket and mirror head, a hollow outer arm assembly, an inner arm assembly.* However these features are not novel in the light of the document US 2241866 A (NEEDHAM) 13 May 1941. Consequently the common features are not a special technical feature within the definition of the PCT Rule 13.2 since they do not together make a contribution over the prior art. Therefore the inventions as defined in the above groups of claims lack unity a posteriori.